

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2335 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Shri Yasudasan Lazar and others

Versus

State of Gujarat and others. .

Appearance:

MR PV HATHI for Petitioner

MR NN PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/07/96

ORAL JUDGEMENT

1. Learned counsel for the petitioners stated that the petitioner no.2 has expired and his legal heirs have not been brought on record, and as such, this Sp. Civil Application to that extent abates. Order accordingly. This Special Civil Application to the extent of

petitioner no.2 stands abated and the same is dismissed.

2. The learned counsel for the petitioners further made a statement that the petitioners no.1,3,5,6,7 and 8 have already been got the relief as they have passed in the departmental examination, and as such, he does not press this Sp. Civil Application on their behalf. Order accordingly. This Sp. Civil Application to the extent of petitioners no.1, 3, 5, 6, 7 and 8 is also dismissed and rule is discharged.

3. The learned counsel for the petitioners contended that the petitioner no.4 has failed in the examination, but he still continues in the service. It is in the interest of justice that he may be given one more opportunity to pass the departmental examination. The learned counsel for the respondent, Shri N.N.Pandya, on the other hand, contended that the petitioner no.4 is claiming grace or concession for which the appropriate forum is to make a representation to the State Government which will consider the same sympathetically. The counsel for the petitioner is unable to show any provisions or the relevant rules. The learned counsel for the petitioner no.4 fairly conceded that the petitioner no.4 will make a representation and the same will be decided by the respondent, but his apprehension is that in case if the petitioner is not protected, his service is likely to be terminated. No interim relief has been granted by this Court and as such, there is no question of protecting the petitioner no.4. The interim relief has been granted to give the petitioner a chance to appear in the examination which chance has been given to him, but he failed in the examination. In case, if the petitioner make a representation to the respondent for giving him one more chance, it is expected of the respondent to consider the same sympathetically. It is further expected of the respondent that till the representation is decided, the service of the petitioner may not be terminated. The petitioner shall make a representation, if any he desires of making, within a period of 15 days from today and the respondent shall decide the same within a period of two months thereafter in accordance with law.

4. In the result, this Special Civil Application is dismissed. Rule discharged. Interim relief granted by this court stands vacated.
